



**Standing Committee on
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January 8, 2001

Mattie C. Condray
Senior Assistant General Counsel
Legal Services Corporation
750 First St. NE
Washington, DC 20002-4250

RE: LSC Regulations Review

Dear Ms. Condray:

The American Bar Association, by its Standing Committee on Legal Aid and Indigent Defendants, appreciates the opportunity to submit comments in response to the Legal Services's Corporation's solicitation of public comment in connection with a review of LSC's regulations.

The Legal Services Corporation is to be commended for undertaking a thorough review of its regulations, with a view toward addressing issues of efficiency and unnecessary duplication. Because the LSC's solicitation of comments was broad, we wish to take this opportunity to articulate general principles to which we believe the LSC should adhere in any modification of the regulations governing grantees. We will comment with greater particularity on subsequent proposals of specific regulatory changes.

Consistent with the LSC's mission to promote equal access to the system of justice, the regulations governing LSC and recipients of LSC funding should enable recipients to provide services to the broadest possible range of clients allowable within applicable law. Maximum flexibility – within clearly articulated and consistently applied guidelines – should be permitted to recipients in determinations of eligibility for service to both individual clients **and** client groups.

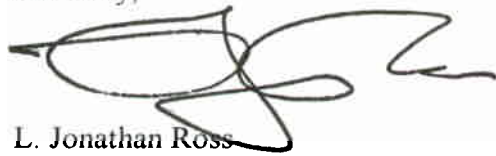
Further, consistent with LSC's overall focus on efficiency, the regulations should minimize the administrative burden on LSC recipients, sub-recipients and private attorneys in conducting client intake, in determining and documenting eligibility, and in providing service. It is in the interest of all concerned to provide accurate information to Congress and others on the quantity and quality of services provided as a result of funding provided through the LSC. At the same time, an appropriate balance must be struck between the resources to be devoted to administration and documentation and those to be devoted to provision of service.

For example:

- Requirements for documentation of eligibility should be as simple as reasonable audit requirements will permit, and should be implemented through clear and consistently applied (both across grantees and over time) instructions.
- In recognition of burgeoning use of hotlines and other technology permitting intake and services for remote clients, LSC's requirements should be adjusted to accommodate the difficulty of obtaining written documentation from applicants of financial eligibility and residency/citizenship status.
- In recognition of the fact that legal services practice often requires client intake or service in locations outside the office, LSC's requirements for documentation should be adjusted to permit file notations of eligibility/status to substitute for duplication of client documents. Copying facilities are often unavailable at remote locations, and clients are often unable to hand over their only copies of documents.

We will be happy to provide additional, more specific, comments as LSC continues the regulations review process and proposes specific regulatory language. Thank you for the opportunity to comment at this preliminary stage of regulatory review.

Sincerely,



L. Jonathan Ross
Committee Chair



John H. Pickering
Chair, Subcommittee on LSC Regulations

cc: Martha Barnett, ABA President